



Greater Hartford Legal Aid

Testimony of Attorney Susan Garten  
Greater Hartford Legal Aid, Inc.  
In Support of R.B. 908

I am an attorney at Greater Hartford Legal Aid. I am here on behalf of Connecticut's legal services programs to testify in support of RB 908. This bill creates a remedy for job applicants and employees who lose jobs and job opportunities even though the state Board of Pardons and Paroles has recognized their rehabilitation and granted them a full or provisional pardon for their criminal record.

Existing state law eloquently explains why this bill is necessary: "The General Assembly finds that the public is best protected when criminal offenders are rehabilitated and returned to society prepared to take their places as productive citizens and that the ability of returned offenders to find meaningful employment is directly related to their normal functioning in the community." CGS §46a-79.

The state Board of Pardons and Paroles has developed a rigorous application and hearing process for adults who want to clear their criminal records. If the Board grants a full pardon, the criminal record is erased. (CGS § 54-142a(d)). Or the Board can grant a provisional pardon if it decides that the applicant has shown significant evidence of rehabilitation but the Board is not ready to grant a full pardon. (CGS §54-130e.) A provisional pardon does not erase the criminal record. (CGS § 54-130a(e).)

Current state law says that employers cannot deny employment to a worker or a prospective employee solely on the basis of that person's erased arrests or convictions or if the Board of Pardons has granted them a provisional pardon (CGS §§ 31-51i(d), (e)). In theory, employers should not know about erased criminal records. However, even though the record is erased from official sources like the state police and the Judicial Department, information lives on the internet forever. That obsolete conviction information can completely thwart a person's attempt to earn a living. Conviction information is freely available for job applicants and employees who have received provisional pardons, but this legislature has already determined that their history should not hold them back from their path of self-support and full community reintegration.

But these good policies and smart laws are meaningless if there is no way for employees and job applicants to enforce them. There presently is no mechanism to enforce the provision requiring employers to treat pardoned individuals fairly as required by law. RB 908 fills that void and I urge its passage.

Greater Hartford Legal Aid, Inc.

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# FACTS about

## Establishing a Civil Action with Respect to Criminal Records Used in Employment Decisions

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### What is a "provisional pardon?"

A provisional pardon can be granted by the Board of Pardons and Parole to enhance an ex-offender's prospects for employment by certifying that an individual has been formally reviewed, that they have demonstrated rehabilitation and are not a threat to public safety or property. A provisional pardon may be limited in nature and may restrict an individual from working in certain jobs related to the criminal convictions in question. The Board may grant a provisional pardon instead of an absolute pardon if an individual submits a pardon application prior to the time frame required to be eligible for an absolute pardon (3 years for a misdemeanor and 5 years for a felony). Provisional pardons do not erase a person's criminal record but give employers one more positive thing to consider when making a hiring decision.